

REMARKS

The applicant has carefully considered the Office action dated February 23, 2010. By way of this response, claims 2, 3, 6, 7, 9, 10, 12, 13, 15, 16, 18, 19, 20-22, 24, 26-28, 30, 31, 33-35 and 37 have been amended, and claims 32 and 36 have been cancelled without prejudice to their further prosecution. The applicant expressly reserves the right to pursue the subject matter of the cancelled claims, or the claims as originally filed, in one or more related applications. It is respectfully submitted that all pending claims are fully supported by the originally filed specification. In view of the following, it is respectfully submitted that all pending claims are in condition for allowance and favorable reconsideration is respectfully requested.

Allowed Claims

The Office action of February 23, 2010 indicated that claims 1-3, 6, 19-22, 24, 26, 27, 29, 33 and 35 stand allowed and, thus, will not be discussed further herein.

Examiner Interview Summary

On April 30, 2010, the undersigned (Peter J. Melsa, Reg. No. 64,571) conducted a telephonic interview with Examiner Lin B. Olsen to discuss the Office action of February 23, 2010. Claims 7, 13, 32 (which depended on claim 13), and 36 (which depended on claim 7) were discussed. Examiner Olsen indicated that if claim 7 were amended to include the recitations of claim 36 that the rejection of claim 7 under 35 U.S.C. §112, ¶2 would be overcome and claim 7 would be allowable. Examiner Olsen likewise indicated that if claim 13 were amended to include the recitations of claim 32 that the rejection of claim 13 under 35 U.S.C. §112, ¶2 would be overcome and claim

13 would be allowable. The undersigned thanks Examiner Olsen for her time and constructive feedback during the conference call.

Rejections under 35 U.S.C. § 112, ¶2

The Office action of February 23, 2010 rejected claims 7 and 13 under 35 U.S.C. §112, ¶2 for being indefinite. The applicant respectfully traverses these rejections. However, by way of this response claim 7 has been amended to include the recitations of claim 36, and claim 13 has been amended to include the recitations of claim 32. Thus, as indicated by Examiner Olsen during the Examiner Interview of April 30, 2010, the rejections of claims 7 and 13 under 35 U.S.C. §112, ¶2 have been overcome and withdrawal of the same is respectfully requested. Accordingly, claims 7 and 13, and all claims depending therefrom are allowable and favorable reconsideration is requested.

Before closing, the applicant notes that changes in the form of the language have been made to enhance readability or consistency and, thus, are clarifying amendments and which are not necessary for patentability. For example,

- 1) Insertion of “the” and/or “a.” and/or replacement of “a” with “the” in claims 3, 6, 9, 10, 12, and 22 to correct and/or clarify antecedents.
- 2) Deletion of “:” in claims 2, 3, 10, 15, 16, 20, 22, and 26-28.
- 3) Insertion of “of” in claims 6, 9, 10, and 12.
- 4) Deletion of “configured” in claims 13, 15, 16 and 37.
- 5) Insertion of “unless wireless control has been regained” in claim 15.
- 6) Replacement of “of” with “as claimed in” in claims 30, 31 and 33-35 for consistency.

These noted amendments are clarifying in that the amended claims are intended to state the same thing as the claim was intended to state prior to amendment (i.e., to have the same scope both before and after the amendments). Also, claims 13, 16, 18, 19, 24, and 28 have been amended to remove gerunds (i.e., verbs ending with “ing”) to make clear that they do not invoke 35 U.S.C. §112, ¶6. These changes are broadening. Consequently, these broadening amendments do not give rise to prosecution history estoppel or limit the scope of equivalents of the claims under the doctrine of equivalents.

In general, the Office action makes various statements regarding the pending claims and the cited references that are now moot in light of the above. Thus, the applicant will not address such statements at the present time. However, the applicant expressly reserves the right to challenge such statements in the future (e.g., in the appeal that is about to be filed).

If the Examiner is of the opinion that an additional telephone conference would expedite the prosecution of this case, the Examiner is invited to contact the undersigned at the number identified below.

Please direct all correspondence for this matter to the address associated with
USPTO Customer Number 22879.

Respectfully submitted,

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